

PROPOSED AGENDA
COUNCIL MEETING
May 3, 2011
7:00 PM

CALL TO ORDER – Mayor Sammy Phillips
PLEDGE OF ALLEGIANCE
INVOCATION

ADOPTION OF AGENDA AND CONSENT ITEMS

Agenda Packet Page

APPROVAL OF MINUTES

April 19, 2011 – Special Workshop Meeting	2
April 19, 2011 – Regular Meeting	6

PRESENTATIONS

A. Proclamation – Better Hearing and Speech Month	19
B. Proclamation – Letter Carrier's Food Drive Day	21
C. Proclamation – Small Business Appreciation Week	23
D. Proclamation – National Tourism Week	25
E. Presentation of Service Sidearm - David Teeter	27
F. Yard and Business of the Month Beautification Awards	29
G. Report to Council – Mayor's Committee for Persons with Disabilities	30

PUBLIC HEARINGS

Legislative

1. Rezoning from R-7 to RA-20 – 100 Marshall Chapel Road	33
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PUBLIC COMMENT

NEW BUSINESS

CONSENT ITEMS

2. Resolution of Acceptance - Sandy Run Neighborhood Plan	53
3. Resolution for Designation of Agent for Applications of Federal/State Assistance	61

NON-CONSENT ITEMS

4. Appointments to the Jacksonville-Onslow Sports Commission Incorporated Board of Directors	63
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PUBLIC COMMENT

REPORTS

City Council
Mayor
City Attorney
City Manager

COUNCIL MINUTES

SPECIAL WORKSHOP MEETING

April 19, 2011

A special workshop meeting of the City Council of the City of Jacksonville was held Tuesday, April 19, 2011 Council Chambers of the Jacksonville City Hall. Present were: Mayor Sammy Phillips, presiding; Mayor Pro-Tem Michael Lazzara and Council Members: Jerry A. Bittner, Fannie K. Coleman, Randy Thomas, Bob Warden and Jerome Willingham. Also present were: Richard Woodruff, City Manager; Ron Massey, Assistant City Manager; Gayle Maides, Interim Finance Director; Glenn Hargett, Communications and Community Affairs Director; Grant Sparks, Public Services Director; Carmen Miracle, City Clerk; and John Carter, City Attorney. *An audio recording of the Council Meeting is presently available for review in the City Clerk's Office.

CALL TO ORDER

Mayor Sammy Phillips called the meeting to order at 6:33 PM.

ADOPTION OF AGENDA

A motion was made by Mayor Pro-Tem Lazzara, seconded by Council Member Coleman, and unanimously approved to adopt the Agenda as presented.

RECOGNITION

Mayor Phillips welcomed two distinguished visitors from the United States Marine Corps – Lt. General Walt Gaskins and General Ron Bailey. He also thanked Mrs. Gaskin for her service on City Advisory Boards.

WASTE MANAGEMENT RATE ADJUSTMENT

Richard Woodruff, City Manager, stated that Council approved a five year commercial garbage collection contract with Waste Management to run from July 2, 2007 to July 2, 2012. The contract contained a provision for two one-year extensions potentially making it a seven year contract. The scope of service covered commercial customers and apartment complexes. One aspect of the contract provided Waste Management with an opportunity to come before Council on an annual basis to request a rate increase based on the Consumer Price Index (CPI) of the previous calendar year. Council was not being asked to take formal action at this time, but to consider Waste Management's request for a rate increase during budget considerations.

Mayor Phillips asked how many times Waste Management had been before Council to request a rate increase since the start of their contract. Ron Massey, Assistant City Manager, stated that last year a rate increase was requested by letter, but they did not come before Council. Council considered their request and felt the increase was not appropriate at that time.

Ms. Chip Dodd of Waste Management introduced Kyle McNear who recently came to Jacksonville to manage their Jacksonville operation. She asked Council to call on him or herself if they could be of any help. Waste Management understood the financial strains that the City had as well as other municipalities across the State. Her company has also felt the pressures and the cost of living increases. Using the PowerPoint presentation attached to the official minutes as Exhibit A, Ms. Dodd explained the services they performed for the City and their costs. She pointed out that there was no provision in the contract to negotiate for a fuel increase. They tried to negotiate that allowance with the City, but it was not allowed.

To answer Mayor Phillips question, Ms. Dodd stated that a CPI increase of 4.4% was approved after the first year, there was no increase to the CPI the second year, and after the third year (2010) the CPI increase of 2.4% was denied. This year a request was being made for the CPI increase of 1.4% plus the 2.4% not received last year. This increase would help with fuel cost, materials and cost of labor and living increases.

Mayor Phillips asked what this increase would be on an annualized basis for the average customer as he was concerned about the impact. After discussion, Ms. Dodd stated that in 2008, an adjustment increased the rate from \$5.15 to \$5.38 per lift. The requested increase would increase the fee to \$5.61 per lift (4.3% increase). The fee was based per lift and not the size of the dumpster. Pick up was scheduled for twice a week.

Mayor Pro-Tem Lazzara stated that even though Waste Management did not receive an increase last year, there was an increase on the rental fee for the dumpsters. Ms. Dodd stated she was not familiar with the dumpster rental as it was not part of this contract. Her company did not own the majority of the dumpsters that were rented, but she would research and provide that information to Council. Mayor Pro-Tem Lazzara stated since the City only had control over the tipping portion of the fees, he would like to know what the percentage increase for dumpster rentals have been.

Mayor Pro-Tem Lazzara asked Mr. Woodruff if it was appropriate to re-bid under these circumstances. Mr. Woodruff stated that because of the capital investment, a five year service

contract was a reasonable period of time. Because the one year extensions were coming up, the City Attorney could review the contract to see if those extensions were automatic. He also noted that the rate increase was not included in the recommended budget because that was a policy decision for the Council to make.

Councilman Bittner asked if Ms. Dodd had comparables on fees charged in similar municipalities. She did not, but would provide them.

Discussion followed on the fee charged. Waste Management's fee covered the lift fee which was the same regardless of the dumpster size. Ms. Dodd added that the rate also included the dumping of recycling bins. Mayor Pro-Tem stated that the recycling program just started and there weren't many recycling dumpsters. Kerry Terrell, Sanitation Superintendent, stated that there were 28 commercial customers with recycling dumpsters and 170 commercial customers with roll out containers being serviced by Waste Management. He stated that the \$5.38 fee the City billed customers was for the collection effort by Waste Management and not for the disposal. The other fee was for the rental of the dumpsters which was based on the size of the dumpster and was billed by the owner of the dumpsters.

Councilman Bittner asked what the amount of the other competitive bid was when the contract was bid in 2007. Mr. Terrell stated he did not remember, but it was higher than the Waste Management bid.

Mr. Carter stated that the current five year contract would expire July 1, 2012. Language in the contract stated that it may be renewed at the sole option of the City for subsequent one-year periods not to exceed the total of seven years for the same terms and conditions in the regular contract except for price. Council would have to start looking at that contract for an extension with price change or to rebid the beginning of 2012.

Councilman Bittner stated that the fuel costs and cost of living would justify an increase, but when the contract was originally bid, cost increases should have been built in.

Mr. Woodruff stated that the information would be analyzed regarding the rate increase request and additional information would be asked for including information Council asked for tonight.

Councilman Bittner asked if Waste Management was looking for a 1.4% increase. Ms. Dodd stated they were asking for this year's increase plus the increase they did not receive last year.

Councilman Warden asked if the contract allowed them to look back on a year that was denied. Mr. Carter stated that the contract seemed to indicate to him that there was not an option to go back to previous years and Council only had to look at the 2010 CPI increase, which was 1.4%.

ADJOURNMENT

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Thomas, and unanimously adopted to adjourn the meeting at 7:01 PM.

COUNCIL MINUTES

REGULAR MEETING

April 19, 2011

A Regular Meeting of the City Council of the City of Jacksonville was held Tuesday, April 19, 2011 beginning at 7:00 PM in the Council Chambers of City Hall. Present were: Mayor Sammy Phillips presiding; Mayor Pro-Tem Michael Lazzara and Council Members: Jerry Bittner, Fannie K. Coleman, Randy Thomas, Bob Warden and Jerome Willingham. Also present were: Richard Woodruff, City Manager; Ronald Massey, Assistant City Manager, Gayle Maides, Interim Finance Director; Glenn Hargett, Communications and Community Affairs Director; Mike Yaniero, Police Chief; Rick McIntyre, Fire Chief; Grant Sparks, Public Services Director; Reggie Goodson, Planning and Development Services Director; Carmen Miracle, City Clerk; and John Carter, City Attorney. *An audio recording of the Council Meeting is presently available for review in the City Clerk's Office.

CALL TO ORDER

Mayor Sammy Phillips called the meeting to order at 7:09 PM.

PLEDGE OF ALLEGIANCE

Council Member Fannie Coleman led the Pledge of Allegiance.

INVOCATION

Mr. John Carter pronounced the invocation.

ADOPTION OF AGENDA AND CONSENT ITEMS

A motion was made by Councilman Bittner, seconded by Councilman Thomas, and unanimously approved to adopt the agenda as amended to add Agenda Item #11 – Suspension of Storm/Tornado Related Construction Permit Fees.

ADOPTION OF MINUTES

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Warden, and unanimously adopted to approve the minutes of a Special Workshop Meeting held April 5, 2011 as presented, and the minutes of the Regular Meeting held April 5, 2011 as presented.

PUBLIC HEARINGS

VOLUNTARY ANNEXATION PETITION – KENNITH WHICHARD, JR. –
1.39 ACRES – GATEWAY PLAZA

Ron Massey, Assistant City Manager, stated that a voluntary annexation petition was received from John Pierce and Associates on behalf of Kenneth P. Whichard, Jr. for a 1.39-acre tract that was contiguous to the current City limit boundaries. The site was located adjacent to Gateway Plaza (Target) and future Western Parkway. The site was a portion of a larger property proposed for a future Kohl's Department Store. In accordance with statutory guidelines, the dedicated right of way for Western Parkway abutting the annexation area would automatically be included in this annexation process.

Mayor Phillips recessed the regular meeting at 7:13 PM in order convene the Public Hearing.

With no one desiring to speak, Mayor Phillips closed the Public Hearing at 7:14 PM and reconvened the regular meeting.

A motion was made by Councilman Thomas, seconded by Mayor Pro-Tem Lazzara, and unanimously approved to adopt the Annexation Ordinance as presented.

Ordinance 2011-27, Bk. 10, pg. 341

ZONING TEXT AMENDMENT – AMENDMENTS TO SECTION 112 SITE PLANS –
PLOT PLANS, ACCESSORY BUILDINGS, BUILDING EXPANSIONS, AND
SITE PLAN THRESHOLDS

Ryan King, Planning Administrator, stated that staff had drafted a zoning text amendment that would amend Section 112 Site Plans of the City of Jacksonville Zoning Ordinance. Using the PowerPoint presentation attached to the original minutes as Exhibit A, Mr. King reviewed the amendments. These changes included staff approval for larger site developments (square footage), exemption adjustments, creation of plot plan standards, elimination of certain site plan requirements when the information was not necessary, adjustment to the appeals process, elimination of the Special Use Permit requirement for developments larger than 25,000 square feet, and the addition of some screening, bufferyard, lighting, height and driveway requirements for developments abutting unlike land uses. The majority of these proposed changes were taken from the draft Unified Development Ordinance.

Mayor Phillips recessed the regular meeting at 7:20 PM in order convene the Public Hearing.

John Pierce, 405 Johnson Blvd., stated that these changes had been needed for a long time and would save the general public a lot of money and time. He felt the committee that worked with the Planning Department was also in favor of the changes.

With no one else desiring to speak, Mayor Phillips closed the Public Hearing at 7:21 PM and reconvened the regular meeting.

A motion was made by Councilman Bittner, seconded by Councilman Thomas and unanimously approved to adopt the Zoning Text Amendment as presented and directed the Planning staff to provide Council with a report at the end of 12 months as to the progress made or any unusual events that occurred with this new procedure.

Ordinance 2011-28, Bk. 10, Pg. 347

ZONING TEXT AMENDMENT – AMENDMENTS TO SECTION 109-SIGN
REGULATIONS & OTHERS

Mr. King stated that staff had drafted a zoning text amendment that would amend Section 109 Sign Regulations of the City of Jacksonville Zoning Ordinance. Using the PowerPoint presentation attached as Exhibit A, Mr. King reviewed the amendments. These changes included removal of the 5 foot sign setback requirement, removal of sign approval in conjunction with site development plans, sign standards for College/Universities, creation of new standards for determining the amount of wall signage for all sites, modified sign orientation standards, modified illumination standards, and other minor adjustments to make the code more clearly understood. The majority of these proposed changes were a result of the discussions City staff had with the local sign companies (Sign Ad Hoc Committee) during the fall/winter of 2010.

Mayor Phillips recessed the regular meeting at 7:30 PM in order convene the Public Hearing.

With no one desiring to speak, Mayor Phillips closed the Public Hearing at 7:31 PM and reconvened the regular meeting.

Mayor Pro-Tem Lazzara asked Mr. Carter if it would be appropriate from him to abstain from voting since he owned a signed company. Mr. Carter stated there was no conflict.

Councilman Bittner complemented the staff for being sensitive to community representatives who were involved in simplifying the process.

A motion was made by Councilman Bittner, seconded by Councilman Willingham and unanimously approved to adopt the Zoning Text Amendment as presented.

Ordinance 2011-29, Bk. 10, Pg. 375

PUBLIC COMMENT

There was no one present desiring to speak at this public comment section.

OLD BUSINESS

GANTT HUBERMAN CONTRACT AMENDMENT

Richard Woodruff, City Manager, stated that at the April 5, 2011 meeting, Council reviewed the Amendment to Gantt Huberman Contract for the Public Safety Building Project. Some of the major modifications included: 1) a new timeline; 2) project cost - change in the budget amount and modification of contract timeline without a change in the architectural fee; 3) removal of Bojangles demolition from the contract; 4) addition of a City project observer; and 5) better definition of architect's role as to pre-qualification of contractors/bids.

On April 5, a motion was made by Mayor Pro-Tem Lazzara and seconded by Councilman Willingham to terminate the contract with Gantt Huberman. A subsequent motion was made and approved to defer action on the motion to terminate to Council's April 19, 2011 meeting. Council directed that the architectural firm be invited to attend the April 19, 2011 meeting if they so desired in order to present renderings of the requested roof design and to respond to Council concerns.

Mr. Woodruff stated that the goal for this evening was fourfold: 1) make a determination as to whether Council wanted to continue the contractual arrangement with Gantt Huberman; 2) if so, direction on how the roof should be built must be determined; 3) confirm the project cost as there was a relationship between the roof selected and final project cost; and 4) consider approving contract amendments.

Mr. Harvey Gantt, Partner of Gantt Huberman Architects, stated his firm was very concerned. It was so important that there be trust and confidence between the two parties. Because this project was only about 25-28% complete, leadership on the project would be changed to himself. Mr. Gantt would be assisted by the same consulting team that Jeffrey Huberman had and Alan Hunter would remain as the Project Architect. As partner in charge replacing Mr. Huberman, his role would be to follow the project all the way through to the dedication of the building. Their firm was interested in making sure that full attention was given

to the matters required of them and that contract obligations were met. In watching the video tape from the April 5 Council meeting, they had the impression that Council felt his firm was not concerned. Mr. Gantt stated they were. They wanted to do the project and build a building that Council would be pleased with and would function for the Fire Chief and Police Chief.

Using the PowerPoint presentation attached as Exhibit A, Mr. Gantt reviewed the background and issues that stalled the project. The initial design was premised on a modification of the design presented during the competition. At the April 5 meeting, their firm was asked to present a pitched roof with a 24 inch overhang as another alternative to the roof design. Pitched roofs were normally on narrower buildings allowing for a different proportional relationship of building height to the face of the building. There were issues that had to be dealt with if a pitched roof system was used on this building type. Those issues included trusses, wind uplift, and the foundation would have to be mitigated to make sure there were no weather related problems. It would be more expensive than the low slope roof originally presented largely because of the necessary structural changes. The increase would be approximately \$1.3 million in terms of overall cost.

Mr. Gantt stated another concern expressed was over the pace of the project and the schedule for completion. He reviewed two project schedules - one based on a low slope roof and one based on a pitched roof. The total budget for the project was \$22 million. The low slope roof would fit into that budget, but pitched roof would increase the cost to \$23+ million.

Mayor Pro-Tem Lazzara stated that when the firm was chosen during the presentation phase, there was conversation as to whether the design presented would be the final design. Council was told that the model was based on the RFP bid and that Council would be involved in design and options. Mayor Pro-Tem Lazzara was disappointed that Council hadn't been involved until recently after the office structure was laid out. His understanding was that Council would be given several options on how they wanted the building to look and then work within that confine. Only one design shape had been given to them to work with. Mayor Pro-Tem Lazzara also voiced other concerns about the retention pond placement, the schematic appearance of the building, and the flat roof. He stated he lead the vote at the last meeting and would need to be assured that moving forward things would be substantially different from what they had been. Mr. Gantt stated that there was still 60% of the design development work left to do. He expected to work out the remaining issues in the next 42 days to present a design

development plan to Council. Their goal was to please Council, but Council needed to make the decisions as to what was needed in order to maintain the schedule.

Mayor Phillips asked if the pitched roof would be problematic. Mr. Gantt stated that pitched roofs were not problematic in general, but with this building being wide and big, you had to be concerned about wind uplifts. The foundation had to be strong enough to hold the building in the ground and the structure had to be braced differently.

Councilman Thomas stated that the initial concern about the roof was the possibility of defects. Mr. Gantt stated they generally do not have problems with low slope roofs, but neither option should leak.

Councilman Bittner stated the primary question was whether Council was going to continue with the firm. He felt that some of the problems were from a disconnect between Mr. Huberman and Council.

Since Council didn't have a connection with the Project Manager, Councilman Bittner asked if Mr. Hunter could add his feelings as to how he was going to administer the project and establish a viable working relationship with the City staff. Mr. Hunter stated he would be the day to day contact and would mainly be in contact with Wally Hansen and Mr. Woodruff. Mr. Gantt stated that on every project with their firm, the structure has been the partner in charge and then someone who works on the project that lives and sleeps it every day. Mr. Gantt stated that he expected that every time Council had a need to hear from the firm, they would be hearing from him personally. This wasn't the only project he was working on, but he was very serious when he said that when the Council wanted him, he would be here.

Councilman Warden asked what the expected life of a membrane roof versus a metal roof was. He assumed metal would be used on the pitched roof. Mr. Gantt stated that both had about a 20 year warranty. Metal roofs could last 50 to 60 years, but membrane roofs have come a long way from what they were before.

Mayor Phillips stated that the motion on the floor was to terminate the Gantt Huberman architectural contract for the Public Safety Building.

Councilman Willingham stated that he had seconded the motion at the meeting for the purpose of discussion. He stated that their critique of the professionals of the firm may have given the public a one sided view. He wanted the public to know that the firm was an outstanding firm and he reviewed the background and contributions of both Mr. Gantt and Mr.

Huberman. Council's issues concerned directions and Councilman Willingham was satisfied that those challenges had been overcome and was satisfied with the schedule of work and the opinions provided.

Mayor Phillips stated he didn't think the qualifications of the firm had ever been questioned, but it was Council's perception that they weren't being served as they should be. He was uplifted by Mr. Gantt's visit and presentation and felt it was now a matter of direction.

Mayor Pro-Tem Lazzara rescinded his motion to terminate the contract and Councilman Willingham rescinded his second to that motion.

A motion was made by Councilman Bittner and seconded by Councilman Thomas to approve the amended contract with the design of the low slope roof and to approve the proposed time line.

Councilman Willingham stated he preferred the pitched roof because of the anecdotal information that he has received on sloped roofs. He was reluctant to dismiss the anecdotal information including the life of the membrane and felt it may be worth it in the long run to do the pitched roof. The issue was not the slope, but over time it was the parapet wall. Discussion followed on roof types.

Mr. Gantt stated that the level of oversight was the key issue to make sure plans were being followed the way they should be.

Councilman Warden stated the pitched roof made a more attractive building and in his mind, there would be less maintenance issues with the pitched roof; however, he was struggling with the increased cost issue.

Councilman Thomas stated he liked the appearance of the low sloped roof as it made the building appear less monotonous.

A vote was taken on the motion and was approved on a 4-2 vote as follows:

Voting "Aye" – Mayor Pro-Tem Lazzara and Council Members Bittner, Coleman and Thomas.

Voting "Nay" – Council Members Warden and Willingham.

Mr. Woodruff stated that with the motion, Council approved the roof design and façade design along Marine Blvd. There were still issues that would be brought before Council. He was not sold that the building had to be LEED certified and from Staff's standpoint not all of the design standards had been approved.

Mayor Phillips stated he would like to see this project moved forward because construction costs were rising. Councilman Bittner stated that there was a sense of urgency and there was no problem if special meetings had to be called.

NEW BUSINESS

CONSENT ITEMS

RESOLUTION ESTABLISHING FY 12 COUNCIL GOALS

The Council Goals guided the City organization and formed the basis for budget priorities and performance assessment. Council met on February 15, 2011 to review the FY 2011 Goals and revise those goals, as appropriate, for FY 2012. Council also identified a list of Tasks on which they wanted City staff to work on in FY 2012. Based upon the Council's February Workshop, the proposed FY 12 Goals and FY 12 Task List were attached for review.

Council adopted the Resolution establishing FY 12 Council Goals.

Resolution 2011-15, Bk. 6, Pg. 391

RESOLUTION IN SUPPORT OF NC DEPARTMENT OF TRANSPORTATION PROJECT

The NC Department of Transportation, Division 3, requested a Resolution of Support for a mill patch project on SR 1308, Gum Branch Road from US 17 to SR 1322, Summersill School Road.

Council adopted the Resolution of Support for the project.

Resolution 2011-16, Bk. 6, Pg. 392

AUTHORIZATION TO CONDEMN FINANCIAL GUARANTEES

As directed by Council, staff requested authorization to process condemnation of the expiring financial guarantees held by the City if the developer was unable or unwilling to provide renewed financial guarantees: Carriage Run Section IV-A at Carolina Forest; Ivy Glen Section II; West Fairway Road & Foxhorn Road Ext.; and Woodlands Section III F & G. It was also recommended that Mayor and Council allow staff, if necessary, to extend the Surety Agreements and Warranties for up to one year.

Council authorized staff to process condemnation of the financial guarantees if the developer was unwilling or unable to provide proper surety and to extend the Surety Agreements.

TAX RELEASES, REFUNDS AND WRITE-OFFS

The County/City Tax Collector and the City's Finance Director recommended releases, refunds and write-offs of property taxes respectively \$24,849.04, \$8,608.45, and \$45.05 (\$33,502.54). The detail list of these tax releases and refunds was available in the Finance Office for review.

Council approved the tax releases, refunds and write-offs.

TRANSFER FUNDS FROM OPERATING BUDGET FOR JACK AMYETTE
CAPITAL IMPROVEMENT PROJECT

The Recreation and Parks Department would like to move \$15,000 from various operating accounts into the Jack Amyette Capital Improvement Project (GF1115) account. These funds would be used to help renovate the interior of the Recreation Center. The project included replacing the ceiling and floor tiles, renovating the restrooms, and upgrades to the electrical, heating and air ducts.

Council adopted the legislative budget amendment moving \$15,000 from the Recreation Operating budget to the Jack Amyette Capital Project (GF1115) and CIP amendment.

Ordinance 2011-30, Bk. 10, Pg. 388

Ordinance 2011-31, Bk. 10, Pg. 389

NON-CONSENT ITEMS

FY 11 THIRD QUARTER GENERAL BUDGET AMENDMENT

Ms. Gayle Maides, Interim Finance Director, stated that a budget amendment was needed to establish the following: Jacksonville Tourism Development Authority Fund and the JTDA-Museum of the Marine Project; change funding sources for the Vietnam Veterans project and the Museum of the Marine project; adjust budget to account for the Recovery Zone Bond Rebate and the Build America Bond Rebate which were not budgeted for FY11; reduce the budget for the Police Fire Facility project; change funding sources for the Parkwood Area project and the Gym Floors project; appropriate General Fund fund balance to purchase scissor lift for Facilities Maintenance; appropriate additional revenue received to Community Affairs, Human Resources, and Recreation; replace state grant funding for mosquito control with appropriated General Fund fund balance; decrease Water Quality and Stormwater Fund due to State budgetary cuts to the NCCCAP Grant; close several projects and transfer remaining funds; and move the Wooten Park CIP project forward from FY12 to FY11.

A motion was made by Councilman Bittner, seconded by Mayor Pro-Tem Lazzara, and unanimously approved to adopt the Budget and CIP Amendments.

Ordinance 2011-32, Bk. 10, Pg. 390

Ordinance 2011-33, Bk. 10, Pg. 394

SUSPENSION OF STORM/TORNADO RELATED CONSTRUCTION PERMIT FEES

Mr. Reggie Goodson, Development Services Director, stated on April 16, 2011, a severe weather event occurred in Jacksonville, which included extreme winds and rain, and the touchdown of a Level 3 tornado. To assist with the reconstruction effort, Management proposed the suspension of building fees related to this storm through June 30, 2011 for the following types of permits: Building Permits; Mobile Home Permits; Mechanical, Electrical and Plumbing; and Demolition. Applicants must still seek and be approved for a permit. If the Building Administrator determined that permit was for storm related damage, the fee would be suspended. The Division would keep record of all fees that were suspended in order to seek possible reimbursement from FEMA.

Councilman Thomas asked why they were only allowing 45 days. Mr. Woodruff stated the time period corresponded with the end of the fiscal year. If appropriate, Council could extend the time frame at the beginning of the new fiscal year.

A motion was made by Councilman Warden, seconded by Council Members Coleman, and unanimously adopted to approve the Resolution.

Mr. Woodruff noted that every department of City government was to be commended for the way they responded and worked on the disaster even though it happened on the weekend.

Resolution 2011-17, Bk. 6, Pg. 393

PUBLIC COMMENT

There was no one present desiring to speak at this public comment section.

REPORTS

Councilman Thomas wished everyone a Happy Easter.

FLEA MARKETS

Councilman Bittner stated he received a request from a local business entity inquiring about the possibility of opening up a flea market. Even though the City had a flea market at one time on the corner of Hwy. 17 and Western and a Farmers Market behind the old Lowes, he didn't see anything covered in the zoning ordinance that allowed them. By definition, if the

business wasn't in the zoning ordinance as a specified user, it was prohibited. However, the draft UDO does allow flea markets. Councilman Bittner felt there was a responsibility to bring this request before Council as an amendment to vote on.

STORM/TORNADO DAMAGE

Mayor Pro-Tem Lazzara stated that his father-in-law's house off Piney Green Road was one of those homes affected by the storm. He commended Sheriff Brown, Chief Yaniero, all of the EMS personnel, and the Jones-Onslow crew for their non-stop work. It was amazing all of the volunteers and City and County personnel who turned out to help, and how the community pulled together. Even today there were still people helping out and he thanked everyone.

Mayor Phillips echoed Mayor Pro-Tem Lazzara's comments. He was amazed at the number of people who were involved in the effort in the Piney Green area and the Holiday Mobile Home City area. He commended them for their civic mindedness and community spirit.

NORTHEAST CREEK PARK BOAT RAMP

Mayor Phillips asked about the Northeast Creek Park boat ramp. Mr. Woodruff stated that there was money in the current budget, but it had been dependent on receiving Grant funding. That funding was not received. In next year's budget, staff was proposing that the ramp, the bulkhead around the ramp, and parking be funded by General Fund money as part of Capital Improvements. However, Staff was now proposing to move that forward and have the work advanced. They were not looking at having everything done that was in the grant.

Mayor Phillips stated that several citizens were concerned that the boat ramp was dangerous and at one time closing the ramp was considered. He wanted the citizens to understand that the City was taking necessary steps to take care of the problem.

GOOD FRIDAY CLOSING

Mr. Woodruff reminded the public that this Friday was Good Friday and City Hall offices and services would be closed.

BUDGET WORKSHOPS

Mr. Woodruff reminded the Council and public that there were Budget Workshops scheduled for Monday, May 2 from 5-8 PM; Monday, May 16 from 5-8 PM; and Tuesday, May 17 at 5 PM until the Council Meeting. The goal was to get the information on the Budget before Council in the next ten days for them to study.

HOUSING FAIR

Mr. Woodruff stated that the project Council authorized to build in the downtown area was being presented to the citizens. On Saturday, April 30 from 8 AM to 3PM, there would be a Housing Fair at the Kerr Street Recreation Center where all four housing contractors would be available to discuss the homes they were planning to build.

REDISTRICTING COMMITTEE ACTIONS

Councilman Bittner reported that the Civic Affairs Committee was working with the Redistricting Committee.

Mr. Woodruff reminded Council that Staff was working to meet the schedule for redistricting to occur. The following Public Input sessions were set up for residents to attend: Ward 1 – Tuesday, April 26, 6:30-8PM at the Kerr Street Recreation Center; Ward 2 – Tuesday, April 26, 4:30-6PM at the Commons Recreation Center; Ward 3 – Thursday, April 21, 4:30-6PM at the Northwoods Recreation Center; Ward 4 – Thursday, April 21, 6:30-8PM at Bell Fork School; and City-wide – Thursday, April 28, 6:30-8PM at City Hall. The meetings were open discussions of the process, and residents could attend any session regardless of the Ward they lived in. The goal was to submit a redistricting plan to Council for adoption in early May to meet the current election schedule on time.

TOWN OF RICHLANDS SUPPORT

Mr. Woodruff stated that he received a transmittal from the Town of Richlands. They stated they weren't sure how they could help, but they wanted Council to know that all of their Aldermen were in support of any efforts relative to the disaster relief and wished us as a sister City the best in our recovery efforts.

CLOSED SESSION

A motion was made by Mayor Pro-Tem Lazzara, seconded by Council Member Coleman and unanimously approved to recess the Regular Meeting at 8:59 PM in order to convene a Closed Session for the purpose of instructing staff in regards to negotiating property acquisition (Beacham, Wallace, Venters, Dudley and Georgetown Properties) pursuant to General Statute 143-318.11, subsection (a-5).

RECONVENE

Mayor Phillips reconvened the Regular Meeting at 9:40 PM and announced that no reportable action had been taken in closed session.

ADJOURNMENT

A motion was made by Councilman Willingham, seconded by Councilman Thomas, and unanimously adopted to adjourn the meeting at 9:41 PM.



City Council Presentation

Presentation Item: A Date: 5/3/2011
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Subject: Proclamation – Better Hearing and Speech Month

Department: Mayor's Office

Prepared by: Carmen Miracle, City Clerk

Presentation Description

In recognition of the importance of community awareness regarding hearing loss, the presentation of a Proclamation has been requested by the North Carolina Division of Services for the Deaf and the Hard of Hearing, Wilmington Regional Center.

Communication disorders greatly affect employment, education, relationships, and the overall well-being of many people. It is paramount that citizens are aware of the impact of hearing loss.

Cynthia Mitchell, Hard of Hearing Services Specialist, and Pamela Poretti, Regional Center Manager, will be present to accept the Proclamation.

Action

Present Proclamation to Cynthia Mitchell and Pamela Poretti

Attachments:

A Draft Proclamation

City of Jacksonville
North Carolina
Proclamation

Whereas, it is estimated 42 million Americans, or 1 in 10 families, have some type of communication disorder; and

WHEREAS, the dedicated audiologists and speech-language pathologists who work in our City and State are to be commended for their tireless work; and

WHEREAS, during this annual observance, we should focus our attention on the needs of our citizens who have some form of hearing loss and speech or language impairment to ensure that everyone has access to treatment that will help them lead full and productive lives; and

WHEREAS, the North Carolina Division of Services for the Deaf and the Hard of Hearing provides an array of services to those who are hard of hearing, deaf, deaf/blind, or speech impaired and strive to increase public awareness about these conditions; and

WHEREAS, the Wilmington Regional Center staff serves the citizens of Jacksonville and Onslow County to educate and inform them about hearing loss and help those in need to lead independent, productive and fulfilling lives;

NOW THEREFORE, I, Sammy Phillips, Mayor of the City of Jacksonville, do hereby proclaim the month of May as,

"BETTER HEARING AND SPEECH MONTH"

in the City of Jacksonville, and I encourage all individuals, agencies, and businesses to learn more about hearing loss and services for people with hearing loss.

Mayor

Attest: _____

City Clerk

Attachment

A



City Council Presentation

Presentation Item: B Date: 5/3/2011
--

Subject: Proclamation – Letter Carrier’s Food Drive Day

Department: Mayor’s Office

Prepared by: Carmen K. Miracle, City Clerk

Presentation Description

On behalf of the National Association of Letter Carriers, the United Way of Onslow County has requested a Proclamation naming Saturday, May 14, 2011 as Letter Carrier’s Food Drive Day in the City of Jacksonville.

“Help Stamp Out Hunger” is one of the largest food drives in the Nation and the public is encouraged to place non-perishable food items near their mailboxes on May 14 to be picked up by their letter carriers.

Christina Scaglione, Director of Finance and Administration of the United Way of Onslow County and Bob Atherton of the United States Postal Service will be present to accept the Proclamation.

Action

Present Proclamation to Christina Scaglione and Bob Atherton.

Attachments:

A Draft Proclamation

City of Jacksonville
North Carolina
Proclamation

Whereas, May 14, 2011 marks the 19th Annual National Association of Letter Carriers (NALC) Food Drive to “Help Stamp Out Hunger,” which is one of the largest food drives in the Nation involving 1,400 NALC branches throughout the Country; and

WHEREAS, last year 77.1 million pounds of food was collected nationwide, but with hunger impacting many Americans, including working families, children and the elderly, help is needed now more than ever before; and

WHEREAS, once again the public is encouraged to join in this campaign by placing non-perishable food items near their mailboxes on May 14 to be picked up by their letter carriers; and

WHEREAS, it is fitting for our citizens to support this annual drive involving cities and towns in all 50 states and jurisdictions of the United States. All food that is locally donated will be distributed to the food banks in our community; and

WHEREAS, United Way of Onslow County will help letter carriers distribute the food collected to local food banks and pantries in the community including the Onslow Community Outreach Soup Kitchen, the Salvation Army, Second Chance Mission of Hope, Onslow Women’s Center, Friends of Aging, Faith Outreach Holy Ministries and Armed Services YMCA;

NOW, THEREFORE, I, Sammy Phillips, Mayor of the City of Jacksonville, do hereby proudly proclaim Saturday, May 14, 2011 as

**“NATIONAL ASSOCIATION OF LETTER CARRIERS’
FOOD DRIVE DAY”**

in the City of Jacksonville, and I encourage all residents to donate non-perishable food items to help our local food banks and pantries assist those in need.

Mayor

Attest: _____
City Clerk

Attachment

A



City Council Presentation

Presentation	
Item:	C
Date:	5/3/2011

Subject: Proclamation – Small Business Appreciation Week

Department: Mayor's Office

Prepared by: Carmen Miracle, City Clerk

Presentation Description

In recognition of Small Business Appreciation Week and to encourage all residents to recognize the importance of small businesses in our community, the Jacksonville-Onslow Chamber of Commerce has requested a Proclamation naming May 9 through May 13, 2011 as Small Business Week in the City of Jacksonville.

Mona Padrick, President of the Jacksonville-Onslow Chamber of Commerce, will be present to accept the Proclamation.

Action

Present Proclamation to Mona Padrick

Attachments:

A Draft Proclamation

City of Jacksonville
North Carolina
Proclamation

Whereas, small businesses play an important role in the economic base for all communities by generating jobs for their residents; and

WHEREAS, there are many small businesses in Jacksonville and the number is increasing rapidly each year; and

WHEREAS, Coastal Carolina Community College has a strong link with the Jacksonville-Onslow Chamber of Commerce in order to assist the small business community in Onslow County, and;

WHEREAS, the City of Jacksonville is proud of the commitment of these organizations to assist small businesses with their needs and help with the start-up of new businesses;

NOW THEREFORE, I, Sammy Phillips, Mayor of the City of Jacksonville, do hereby proudly proclaim May 9 through May 13, 2011 as

“SMALL BUSINESS APPRECIATION WEEK”

in recognition of the important role small businesses have in our society and to salute the men and women whose ingenuity, integrity, and innovative spirit contributes to the free enterprise society on which the American economy was founded.

Mayor

Attest: _____

City Clerk

Attachment

A



City Council Presentation

Presentation Item: D Date: 5/3/2011
--

Subject: Proclamation – National Tourism Week

Department: Mayor's Office

Prepared by: Carmen Miracle, City Clerk

Presentation Description

In recognition of the importance of travel and tourism to the local economy, the presentation of a Proclamation has been requested by the Jacksonville-Onslow Chamber of Commerce.

Mona Padrick, President of the Jacksonville-Onslow Chamber of Commerce, will be present to accept the Proclamation.

Action

Present Proclamation to Mona Padrick

Attachments:

A Draft Proclamation

City of Jacksonville
North Carolina
Proclamation

Whereas, Jacksonville recognizes the importance of travel and tourism to the local economy;
and

WHEREAS, the City is cognizant of the attractions in Jacksonville and Onslow County, and the natural resources which are appealing to travelers, tourists and residents; and

WHEREAS, the tourism industry substantially enhances the economy of Jacksonville and Onslow County, and assists in intercultural understanding and appreciation of the geography, heritage, and people of the city, county and military communities; and

WHEREAS, the tourism industry contributes to the areas' employment by providing over 1,590 jobs and by generating an annual payroll of over 31.96 million dollars; and

WHEREAS, the tourism industry contributes to the economic prosperity of Jacksonville and Onslow County in excess of 160.63 million dollars and provides state and local tax revenues in excess of 14.78 million dollars; and

WHEREAS, the Jacksonville Tourism Development Authority has been charged by City Council to advance tourism within the City of Jacksonville;

NOW THEREFORE, I, Sammy Phillips, Mayor of the City of Jacksonville, do hereby proclaim the week of May 7-14, 2011, as

“JACKSONVILLE TOURISM WEEK”

in the City of Jacksonville, and I encourage all resident to recognize and support the travel and tourism industry.

Mayor

Attest: _____

City Clerk

Attachment

A



City Council Presentation

Presentation Item: E Date: 5/3/2011
--

Subject: Presentation of Service Sidearm-David Teeter
Department: Police
Prepared by: Mike Yaniero, Chief of Police

Presentation Description

Captain David Teeter has retired from the Jacksonville Police Department after 30 years of service. He has requested to receive his service weapon, pursuant to City Administrative Policy 29 (Service Guns and Badges).

In addition, Captain Teeter will be recognized by the City for 30 years of service with the Jacksonville Police Department.

Action

Present Captain David Teeter's service sidearm.

Attachments:

None



Presentation Information

Presentation
Item:

E

Presentation of Service Side Arm – Captain David Teeter

Biography – Captain David Teeter

David Teeter

Wife: Joyce

Children: David, Jr., Jonathan, Christopher

While growing up in a military family, David Teeter graduated from Jacksonville High School in 1980 and began his 30 year law enforcement career with the Jacksonville Police Department on November 1, 1982, serving as a Patrol Officer. In 1984, he was assigned as a detective to the Investigative Services Division until his promotion to the rank of Sergeant in 1991, when he returned to the Patrol Division. He was promoted to Captain in 1993 and was assigned to the Patrol Division, serving until 1996, when he assumed the responsibility of the Professional Standards/Training Division as the director.

In 2001, he was assigned to Investigations as the Captain, later returning to the Uniform Patrol Division in 2003 to serve as the Administrative Patrol Captain. In 2008, he was assigned as the Administrative Support Services Captain until 2009, when he returned to Investigations as the Captain.

He has served as the department's accreditation manager twice: 1996-2001 and 2009-2011. David started as a SWAT Team member in 1983, serving as the Team Commander from 1994 until 2002. He has been a Basic Law Enforcement Training Adjunct Instructor since 1985. In 2005 he was certified as a Commission on Accreditation for Law Enforcement Agencies (CALEA) Assessor and CALEA Assessment Team Leader in 2007. He has led 12 on-site assessments throughout the United States since that time. David graduated from N.C. State University's Administrative Officers Management Program in 2007.

He is the recipient of the department's Police Commendation Medal (1990); Medal of Valor (2004). He was also honored by the Disabled American Veterans Association with the Chaplains' Cross in (2004).

David and his wife Joyce have been married for 29 years and have three children: David Jr., age 27, Jonathan, age 24 and Christopher, age 21.



City Council Presentation

Presentation Item: F Date: 3/3/2011
--

Subject: Yard and Business of the Month Beautification Awards

Department: Recreation and Parks

Prepared by: Michael Liquori, Recreation and Parks

Presentation Description

Joe and Susie Henderson residing at 108 Winestone Place, and Tim Jackson of Jackson's Nursery & Landscape, 1900 Gum Branch Road, have been recommended to receive a Yard of the Month award from the Beautification and Appearance Commission for outstanding personal and business property appearance.

Councilman Bob Warden is the Council appointed Liaison to the Beautification and Appearance Commission.

Joe and Susie Henderson will be present to accept the award.

Tim Jackson will be present to accept the award.

Action

Present residential Yard of the Month Award to Joe and Susie Henderson.

Present Business Yard of the Month Award to Tim Jackson of Jackson's Nursery & Landscape.

Attachments:

None



City Council Presentation

Presentation Item: G Date: 5/3/2011
--

Subject: Report to Council – Mayor’s Committee for Persons with Disabilities

Department: Mayor’s Office

Prepared by: Carmen K. Miracle, City Clerk

Presentation Description

Mr. Joseph Traumer, Chairperson of the Mayor’s Committee for Persons with Disabilities will be in attendance to provide a brief report on the annual activities, accomplishments and goals of the Committee.

Council Member Fannie K. Coleman is the Council Liaison to the Committee.

Action

Recognize Chairperson Joe Traumer to present the report.

Attachments:

None



Presentation Information

Presentation
Item:

G

Mayor's Committee for Persons with Disabilities Report to Council

Mission

The Mayor's Committee for Persons with Disabilities consists of twenty-six members who shall either reside within the County or who shall represent an agency or non-profit organization within the county that is closely associated with health, disability, or community programs. Priority of appointment is also given to persons and/or family members of persons with disabilities.

The Mission of the Committee is to improve and enhance the quality of life of disabled residents of the Jacksonville/Onslow area. In order to achieve this mission, the ordinance establishing the Committee sets out the following objectives as guidance to the Committee:

- To offer information services to persons with disabilities and organizations employing the disabled or organizations providing accessibility for the disabled.
- To publicize the reasons and advantages of hiring persons with disabilities and to dispel associated myths.
- To identify issues encountered by disabled persons locally and to recommend to the proper individuals and authorities the possible solutions to these problems.
- To recognize and eliminate barriers, either architecturally or in public policy, which hinder the mobility of disabled individuals.
- To inform the general public of existing local, state, and federal policies, rules, regulations and programs concerning the disabled and the manner and extent to which these particular policies, rules, regulations and programs apply to the Jacksonville and Onslow County communities.
- To recognize individuals, businesses and/or agencies making a positive difference in the lives of persons with disabilities.
- To establish a forum permitting open discussion and the free exchange of public opinion relative to the needs of the disabled and to dispel philosophies creating misunderstanding, suspicion and animosity toward the disabled.
- To achieve and sustain a meaningful dialogue and an effective degree of citizen concern for the disabled.
- To investigate instances of discrimination against the disabled as they are brought to the Committee's attention.
- To serve as an advisory body and resource to the local community on matters involving the disabled.
- To participate in the expansion and improvement of the quality and quantity of community services for the disabled.

Major Annual Projects and Events

- Disability Resource and Information Fair
- Poster, Poetry, & Essay Contest - Grade K-12
- Annual Awards Banquet
- Bobby Simpson Memorial Award
- Sponsorship of Christmas Float in the Annual Holiday Parade
- NEW – ADA Awareness Ice Cream Social

Community Involvement and Outreach

- Monthly Discussion Meetings held the First Wednesday of each month at noon
- Monthly Awards Presented for Outstanding Advocacy on behalf of the disabled
- Submission of Local Nominations for Governor's State Advocacy Awards
- Accessibility Complaint Process Established through City Inspections
- Exhibits and Provides Disability information and Awareness at local events such as Chamber Business Expo, National Night Out, Riverwalk Festival, Wounded Warriors, Americans with Disabilities Act events, etc.
- Advises and works with local agencies and nonprofit groups on projects affecting the disabled community such as transportation services, disaster preparedness for the disabled, accessibility, and housing and job related issues.



Request for City Council Action

Agenda Item:	1
Date:	5/3/2011

Subject: Public Hearing - Rezoning from R-7 to RA-20 – 100 Marshall Chapel Road

Department: Planning & Development Services

Presented by: Mary Sertell, Senior Planner

Presentation: Yes

Issue Statement

Future Homes/ K Miller Investments has submitted a request to rezone one parcel totaling 1.344 acres from Residential 7 (R-7) to Residential Agricultural 20 (RA-20). The subject site is located at 100 Marshall Chapel Road, at the corner of Marshall Chapel and Piney Green Roads. The property is within the Extraterritorial Jurisdiction (ETJ).

Financial Impact

None

Action Needed

Conduct a Public Hearing

Consideration of the Proposed Rezoning

Recommendation

Staff recommends approval of the rezoning request based on the Findings of Facts A, B, C, and D being found in the affirmative and that the rezoning advances the public interest.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

- A Rezoning Worksheet
- B Proposed Ordinance
- C Draft Planning Board Minutes- April 11, 2011
- D Section 31, R-7 of the Zoning Ordinance
- E Section 22, RA-20 of the Zoning Ordinance
- F Existing Zoning Map
- G Site Survey
- H Existing GME FLU Map
- I Proposed Zoning Map



Staff Report

Public Hearing - Rezoning from R-7 to RA-20 – 100 Marshall Chapel Road

Introduction

Future Homes/ K Miller Investments has submitted a request to rezone one parcel totaling 1.344 acres from Residential 7 (R-7) to Residential Agricultural 20 (RA-20). The subject site is located at 100 Marshall Chapel Road, at the corner of Marshall Chapel and Piney Green Roads. The property is within the ETJ.

Procedural History

- 2010- NC DOT purchased a portion of the property in preparation for the Piney Green Road widening, necessitating the need for removal of the existing house. The applicant desires to replace the existing home on the remaining property with a modular home.
- On March 11, 2011, the applicant submitted a formal request to rezone the property.
- On April 11, 2011 the Planning Board recommended approval of the rezoning request.
- On May 3, 2011 City Council will conduct a public hearing and consider the rezoning request.

Stakeholders

- Future Homes/ K Miller Investments – property owner/ applicant submitting the rezoning request.
- Elidius Chadwick – resident of the property.
- Surrounding property owners – In accordance with General Statutes, property owners within 100 feet of the area proposed for rezoning were notified via first class mail. In addition, a courtesy notification was sent out informing these same owners about the Planning Board meeting.

Zoning Assessment

The parcel proposed for rezoning is located at 100 Marshall Chapel Road at the corner of Marshall Chapel and Piney Green Roads and within the City's Extra Territorial Jurisdiction (ETJ). The subject parcel's current land use is single family residential and it is bordered to the North and East by single family residential land with Onslow County Zoning, Rural Agricultural, to the South by single family residential, zoned R-7, and to the West by single family residential and undeveloped land, zoned RS-12.

The Residential 7 zoning district is primarily intended for residential use. The intention of this zone is to prohibit any business other than home occupation. Schools, churches and institutions of like nature are a permitted use because it is felt that they would not be detrimental to the residential atmosphere.

The Residential Agricultural zoning district is designed for low-density residential and agricultural purposes, in a rural or near-rural setting, and is intended to ensure that residential development without access to public water and/or sewer may take place in a manner, which provides a healthful environment. This district is designed to primarily govern land use in areas of the zoning jurisdiction least developed for urban purposes. This district also permits certain service and public uses as special uses which are common to a more rural setting, have large land requirements, or benefit from a low-density setting.

Merits of Rezoning

In determining the merits of the rezoning request the City Council should consider the following: 1) is the proposal consistent with an adopted land use plan, 2) does the rezoning advance the public interest, and 3) is the rezoning reasonable.

The following Findings of Fact must be applied to the proposal in determining the reasonableness of the rezoning:

- A.** *The size of the tract- The larger the area proposed for rezoning the more likely it is to be reasonable. An individual lot that is within a large zoning district is more suspect than creating a new zoning district involving multiple parcels and owners.*

The area proposed for rezoning comprises one parcel totaling 1.344 acres. The proposed rezoning area is adjacent to parcels which range in size from approximately one half of an acre to almost two acres each. The size of the parcels does not appear to indicate or have bearing on the parcels' zoning district.

Given that the size of the parcel is similar to those which surround it, staff believes that the request is reasonable.

- B.** *Compatibility with an existing comprehensive plan- An action that is inconsistent with the plan may indicate special treatment that is contrary to the public interest.*

The Growth Management Element identifies the subject parcels as Low Density Residential (LDR) in its Future Land Use Map.

LDR represents primarily single-family detached residential development with home occupations, schools, churches and other non-profit organizations.

The GME Future Land Use designations of nearby properties are LDR to the South and North and Neighborhood Commercial (NC) to the West.

Evaluation

Staff has reviewed the adopted Growth Management Element Plan (GME) and has determined that the rezoning is applicable to several of the goals and policies established in the Plan. They are summarized as follows:

- Maintain a sustainable mix of land uses in and around the City through effective, coordinated growth management (GME Goal 1)
- Coordinate extra-territorial development with Onslow County to facilitate long-term growth, provide equity for property owners and protect existing property owners from bearing the costs of growth (GME Goal 3)
- Encourage development that uses existing facilities and is compatible with existing development (GME Policy 16.3)

Also, the Piney Green Road Transportation Corridor Plan identifies the area as Low Density Residential.

Given that the zoning is consistent with both the GME Future Land Use Map and the Piney Green Road Transportation Corridor Plan, staff believes that the request is reasonable.

- C.** *The impact of the zoning decision on the landowner, the immediate neighbors, and the surrounding community- An action that is of great benefit to the owner and only a mild inconvenience for the neighbors may be reasonable, while a zoning decision that significantly harms the neighbors while only modestly benefiting the owner would be unreasonable.*

The subject parcel is bordered to the North and East by Onslow County Zoning, Rural Agricultural, to the South by R-7 zoning, and to the West by RS-12 zoning.

Staff believes that request is reasonable because it abuts existing, similar zoning in Onslow County and in the ETJ however, the proposed zoning district would not be adjacent to other RA-20 zoning. The subject property would create a gap between RA-20 zoning which is filled with RS-12 zoning. The small area with RS-12 zoning could be evaluated for rezoning to RA-20 as well, creating a solid transition of RA-20 to Onslow County RA zoning.

- D.** *The relationship between the newly allowed uses and the previously allowed uses- The greater the difference in allowed use, the more likely the rezoning will be found unreasonable.*

Section 31 (R-7), Section 22 (RA-20) of the Zoning Ordinance can be found in Attachments C and D.

The RA-20 zoning district is designed for primarily residential development with large lots and acting as a transition to County zoning. The RA-20 district is quite similar to the adjacent Onslow County RA zoning, but more rural and less dense than adjacent ETJ R-7 zoning. Given the parcel's location adjacent to County zoning, staff believes that the rezoning request is reasonable.

Public Hearing Notification

In accordance with the North Carolina General Statutes, all property owners within 100 feet of the subject parcels were notified of the proposed rezoning. In addition, Public Hearing Notifications were posted in the Jacksonville Daily News advertising the public hearing of the rezoning. A courtesy notification was sent out informing these same owners about the Planning Board meeting.

Options

Approve the Rezoning as requested by the Applicant **(RECOMMENDED)**.

- Pros: The rezoning request will create a designation that will allow residential land uses that are in character with the surrounding land uses. The proposed change, as designated by the applicant, is expected to have a limited impact on surrounding properties and the roadways.
- Cons: The rezoning request allows for a moderate change in land use.

Deny the Rezoning Request.

- Pros: Denial of the rezoning request would ensure that zoning in the area would remain consistent and compatible with existing land uses.
- Cons: Denial of the rezoning request will not allow the property owner to use the property in a desired manner.

Defer Consideration of the Rezoning Request – Provide staff with direction on the specific information the Board would like to receive.

- Pros: Would allow the property owner, staff and the residents to try and work out any concerns raised, if any.
- Cons: None.

*Any rezoning application, other than those initiated by Council or City Staff, which is denied by City Council may not be resubmitted within 12 months of the City Council decision unless the application is determined to be substantially changed under the procedures set forth in Section 136 of the City of Jacksonville Zoning Ordinance.

Legal Descriptions of Proposed Rezoning Boundaries

Future Homes/ K Miller Investments

Tract on Piney Green Road

Jacksonville Township, Onslow County, N.C.

Beginning at an iron stake on Marshall Avenue, being Rose Shepard's corner, running with said avenue West 500 feet to the Pumpkin Center Paul Wynn Highway, at a point where a ditch comes into the Highway, said ditch running parallel with the avenue, thence from said ditch and said avenue, running 200 feet south with Pumpkin Center and Paul Wynn highway to an iron stake, thence from said stake running an easterly direction 500 feet to a chopped tree, being Rose Shepard's back corner, from said corner running northwardly with Rose Shepard's line 200 feet to the beginning, containing two and one half acres, more or less.

Less and Except the following: Tract I:

Point of beginning being the southwest corner of the undersigned, and being N13 degrees 02' 38"W, 21.32 feet from, a point in the Center Line of -L- Sta 268+00; thence to a point on a bearing of S 29 degrees 22'28" E, a distance of 96.8 feet (29.49) meters; thence to a point on a bearing of N 50'18'01" E, a distance of 49.8 feet (15.19 meters); thence to a point on a bearing of N 29 degrees 9'23'20"W, a distance of 148.7 feet (45.32 meters); thence to a point on a bearing of S 09'27'25"W, a distance of 78.1 feet (23.81 meters); returning to the point and place of beginning.

Tract 2:

A sight distance 125 ft x 125 ft as measured from the intersection of the existing center line of SR 1406 (Piney Green Road) and the intersection of the existing center line of SR 1419 (Marshall Chapel Road); measure 125 ft Southeasterly along the existing center line of SR 1406 (Piney Green Road) to a point and measure 125 ft Northeasterly along the existing center line of SR 1419 (Marshall Chapel Road) to a point. The sight distance is a triangular shaped area formed by drawing a straight line for the point on the existing center line of SR 1406 (Piney Green Road) to the point on the existing center line of SR 1419 (Marshall Chapel Road).

WORKSHEET FOR REZONING REQUESTS

Applicant: Future Homes/ K Miller Investments
Property Location: 100 Marshall Chapel Road
Tax Map and Parcel ID: 332k-24 & 332k-25
Existing zoning designation: Residential 7 (R-7)
Proposed zoning designation: Residential Agricultural 20 (RA-20)
Proposed Conditions: None

REASONABLENESS FINDINGS OF FACT:

A. Size of the tract- The overall size of the tract of land proposed for rezoning is reasonable when compared to the size of the zoning district in which the subject property is located.	Yes	No
B. Compatibility with a comprehensive plan- The proposed rezoning is consistent with any comprehensive plan, small area plan or elements thereof.	Yes	No
C. Impact- The impact to the adjacent property owners and the surrounding community is reasonable, and the benefits of the rezoning outweigh any potential inconvenience or harm to the community.	Yes	No
D. Comparison of uses- The allowed uses within the proposed zoning district are similar or comparable to uses permitted as currently zoned.	Yes	No

GRANTING THE REZONING REQUEST

Motion to grant the rezoning upon finding that the rezoning is reasonable considering one or more of the above findings of fact A-D being found in the affirmative and that the rezoning advances the public interest.

DENYING THE REZONING REQUEST

Motion to deny the rezoning upon finding that the proposed rezoning does not advance the public interest and is unreasonable due to the following:

- ☐ A. The size of the tract
- ☐ B. Incompatibility with the comprehensive plan
- ☐ C. Impact to surrounding community and immediate neighbors
- ☐ D. Proposed uses are dissimilar to those currently permitted

Attachment

A

ORDINANCE (2011-)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP

BE IT ORDAINED by the City Council of the City of Jacksonville, North Carolina, that the Official Zoning Map for the City of Jacksonville and its Extraterritorial Jurisdiction, an element of the City of Jacksonville Zoning Ordinance, is hereby amended to reflect the rezoning of the subject parcel to Residential Agricultural 20 as shown on the below map (Tax map and parcel id #1115C-23) and as described in the attached legal description.



This ordinance shall be in full force and effective upon its adoption. Adopted by the Jacksonville City Council in regular session on this 3rd day of May 2011.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk

Attachment

B



Draft Planning Board Minutes – April 11, 2011

Agenda Item:	1
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Rezoning from R-7 to RA-20 – 100 Marshall Chapel Road

Future Homes/ K. Miller Investments have submitted a request to rezone one parcel totaling 1.344 acres from Residential 7 (R-7) to Residential Agricultural 20 (RA-20). The subject site is located at 100 Marshall Chapel Road, at the corner of Marshall Chapel and Piney Green Roads. The property is within the Extraterritorial Jurisdiction (ETJ).

Staff recommends approval of the rezoning request based on the findings of Facts A, B, C, and D being found in the affirmative and that the rezoning advances the public interest.

Ms. Moore asked what the purpose for the rezoning is. Ms. Sertell stated the existing property will effectively need to be removed due to the Piney Green Road widening and the owner wants to put a mobile home on the property which is not allowed in RA-7 but is allowed in RA-20.

Ms. Moore wanted to know where the other mobile homes were in the area. Ms. Sertell replied they are in the surrounding area. Mr. Keyes stated there will be frontage on two sides and wanted to know would that be affected by the widening of Piney Green. Ms. Sertell replied yes per attachment (F), which shows the new right of way for Piney Green Road and shows the proposed location for the home.

Ms. VanderVere asked were there many mobile homes along Piney Green Road in that area or are they more set back." Ms. Sertell replied "some of them are more set back, but there are some on Piney Green Road as well."

Mr. Quinn asked "would this mobile home be placed on this lot as a replacement of the existing home that may have to be raised for the widening." Ms. Sertell replied "yes the home will need to be moved due to the expansion of Piney Green Road." Ms. Wyrick asked would the same person be living in it. Ms. Sertell replied "yes."

Vice Chairperson Sandra Wyrick moved to approve 100 Marshall Chapel Road from R-7 to RA-20 based on the Findings of Facts A - D being found in the affirmative. Homer Spring seconded the motion.

Mr. Quinn asked for a discussion. Mr. Quinn asked Mr. Miller, the applicant, about the current dwelling and the square footage. Mr. Miller replied about 1,400 to 1,500 sq. ft. Mr. Miller states the house was built in 1946 so it has several additions" on it. Mr. Quinn states he's concerned about mobile homes in the city limits; "that is something that one begets another, begets another. As we expand our city's jurisdiction and the scope of what it may look like I don't think mobile homes are appropriate in that area."

Attachment

C

Mr. Miller replied that the R-7 district he's currently in has "three mobile homes in it. The home we are placing is a manufactured home." Mr. Quinn replied "this is why I wanted a discussion with you. Is this intended to be a mobile home with wheels that get rolled onto the lot and be blocked up and appears to be a stationary home or is this one of the modular components?" The discussion continued between Mr. Quinn and Mr. Miller.

Chairman Lesan interjected and stated he understands both of their concerns but "we are here for a rezoning request. If it had not been brought up what kind of structure is being put on there why are we discussing this now." Mr. Quinn replied he disagrees "because the rezoning we are being asked to change to has the allowable use of mobile homes so that is where we protect that use." Chairman Lesan asked "do we have the right to dictate to the original home owner what type of home they can put on their land?" Mr. Quinn replies "we are talking about a rezoning; it is the consideration of the board of the allowable use of the rezoning we are considering."

Mr. Miller stated "this piece of property is the only piece of property on all of Marshall Chapel Road that is within the city's ETJ and every other piece of property on Marshall Chapel Road is zoned RA. So it makes sense that it would be compatible with the entire rest of the street." Mr. Quinn asked "was everything else already in that area?" Mr. Miller replied "every other lot on that street is RA with the County." Mr. Williams asked if the structure would be as good as or even better than the foundation house built. Mr. Miller replied "yes it will exceed all the other houses on that street."

Councilman Lazzara replied "I think what Mr. Quinn alluded to should be considered. Regardless of what is being proposed on any rezoning changes you have to view the merits of those proposed changes and what's allowed. That is where your consideration should lie, if those allowable uses are acceptable to the board then you would vote accordingly. Anytime you look at rezoning changes you have to consider not what the applicant is applying for but what those uses are within that category." Chairman Lesan replied he agrees with that.

Mr. Goodson replied there are two types of rezoning; a General Use request which this is. For a General Use request you have to consider every use which is allowed in RA-20 and you have to look at the facts A-D.

Mr. Spring replied that after this board sees this the City Council will see it. People that are adjoining will have a chance to come up and speak for or against the rezoning.

The motion to approve 100 Marshall Chapel Road from R-7 to RA-20 based on the Findings of Facts A - D being found in the affirmative was approved by the Board Members present. The motion was voted for by Danny Williams, Vice Chairperson Sandra Wyrick, Alfred Keyes, Pauline Joos, Homer Spring, and Thomasine Moore and against by Theresa VanderVere, and Chuck Quinn.

Section 31. Residential 7 (R-7) Zone

(Amended 9/18/90)

The R-7 Zone is primarily intended for residential use. The intention of this zone is to prohibit any business other than home occupation. Schools, churches and institutions of like nature are a permitted use because it is felt that they would not be detrimental to the residential atmosphere.

A. Area requirements.

1. **Building site area required, residences.** The minimum building site area shall be 1 lot or parcel of land 7,000 square feet in area. Such parcel of land shall have an average width of at least 70 feet.

When a lot or parcel of land has an area of less than the above required minimum area and width and was of record April 8, 1952, such lot may be occupied by 1 family, provided, however, that the minimum setback requirements set out in this section are observed.

2. **Right-of-way setback.** No primary or accessory structure shall be placed within 35 feet of any right-of-way of any public or private street.

3. **Setbacks, Side and Rear**

- a. **Interior Lots.** Each side of the primary structure of an interior lot shall have a side yard not less than 10 feet wide. No primary structure shall be built within 15 feet of the rear property line. No accessory building shall be built or placed within 5 feet of the rear or side property line. *Amended 11/18/03*

- b. **Corner Lots.** The designed front of the primary structure of a corner lot shall comply with right-of-way setback standards of this chapter. The designated side adjacent to a road right-of-way shall be set back no less than 15 feet from the property line. All other sides shall be set back no less than 10 feet from the property line. The designated rear setbacks shall be no less than 15 feet from the property line. No accessory building may be placed or built within 5 feet of rear or side of the property lines. *(Amended 1/7/97)*

Zone	Designated Front Setback	Designated Side (R\W) Setback	Side Setback	Rear Setback
R-7	35'-0"	15'-0"	10'-0"	15'-0"

- c. **Double Frontage Lots.** Each side of the primary structure of a double frontage lot that fronts either an approved public or private street shall be set back no less than 15 feet from the property line.

Attachment

D

Section 31. Residential 7 (R-7) Zone

street shall comply with right-of-way setback standards of this chapter. All other side yards shall be set back no less than 10 feet from the property line.

Zone	Designated Front Setback	Designated Side (R\W) Setback	Side Setback	Rear Setback
R-7	15'-0"	15'-0"	10'-0"	20'-0"

Accessory buildings may be built or placed within 5 feet of the side property lines. *(Amended 1/7/97)*

B. Permitted Uses:

Churches*	<i>(Amended 1/4/11)</i>
Community Docking Facility (Minor)	<i>(Amended 6/5/07)</i>
Day care centers, nurseries*	<i>(Amended 1/4/11)</i>
Dwellings, single	
Family Care Homes	<i>(Amended 7/17/07)</i>
Family Childcare Home	<i>(Amended 3/16/04)</i>
Golf courses	
Governmental uses and operations such as fire stations, maintenance or operation facilities and similar governmental facilities	<i>(Amended 4/20/10)</i>
Home occupations	<i>(Amended 3/16/04)</i>
Library, public	
Parks, playgrounds, public & private	
Schools, public*	<i>(Amended 1/4/11)</i>
Telecommunications Antenna, Collocation on Existing Tower	<i>(Amended 10/6/09)</i>
Telecommunications Antenna, Placement on Existing Building	<i>(Amended 10/6/09)</i>
Telecommunications Tower, Stealth	<i>(Amended 10/6/09)</i>
Utility, Minor	<i>(Amended 4/20/10)</i>

C. Special Uses

Clubs, lodges, other civic organizations, operation on a non-profit basis	
Community Docking Facility (Major)	<i>(Amended 6/5/07)</i>
Schools, private, with same curriculum as public schools	
Telecommunications Tower, Freestanding	<i>(Amended 10/6/09)</i>
Temporary convalescent housing	
Temporary real estate/construction offices	
Temporary refreshment stands	

* Will require special use permit if located in the Flight Path Overlay District. Special use for day care center and nurseries is only required if more than 30 children, assembly halls and coliseums if more than 150 seats, hotels and motels if more than 3 stories, retail establishments or department and variety stores if more than 500,000 square feet. *(Amended 1/4/11)*

Section 22. Residential/Agricultural 20 (RA-20) Zone

The RA-20 zone is designed for low-density residential and agricultural purposes, in a rural or near-rural setting, and is intended to insure that residential development without access to public water and/or sewer may take place in a manner, which provides a healthful environment. This district is designed to primarily govern land use in areas of the zoning jurisdiction least developed for urban purposes. This district also permits certain service and public uses as special uses which are common to a more rural setting, have large land requirements, or benefit from a low-density setting.

A. Minimum Lot Size

Subject to the provisions of this section, all lots in the Residential/Agricultural 20 (RA-20) Zone shall be a minimum of 20,000 square feet with the following exception:

If a lot has an area of less than the above minimum requirement and was of record on April 8, 1952, a single-family dwelling can be built upon it; provided, that the requirements of Section 96. Nonconformities are met.

B. Residential Density

1. Subject to the provisions of this section, all lots in the Residential/Agricultural 20 (RA-20) Zone shall be limited to one dwelling unit per lot.
2. Subject to the provisions of this section, all lots in the RA-20 Zone shall not exceed a lot coverage requirement of thirty (30) percent.

C. Minimum Lot Width

Subject to the provisions of this section, all lots in the RA-20 Zone shall have a minimum lot width of 50 feet at the minimum building line and a minimum street frontage of 25 feet.

D. Building Setback Requirements

Subject to the provisions of the section titled Residential Zones - General Provisions and this section, no portion of any building shall be located on any lot closer to any lot line than is authorized in the table set forth in this section.

Attachment

E

Section 22. Residential/Agricultural 20 (RA-20) Zone

Interior Lots:

Zone	Front (Right of Way) Setback	Rear Setback	Side Setback	Lot Coverage
RA-20	35 ft	35 ft	10 ft	30 %

Corner Lots:

Zone	Designated Front Setback (Right of Way)	Designated Side Setback (Right of Way)	Rear Setback	Side Setback	Lot Coverag e
RA-20	35 ft	20 ft	20 ft	20 ft	30 %

Double Frontage Lots:

Zone	Designated Front Setback (Right of Way)	Designated Rear Setback (Right of Way)	Side Setback	Lot Coverag e
RA-20	35 ft	35 ft	20 ft	30 %

E. Accessory Building Setback Requirements

All accessory buildings in the Residential Agricultural 20 (RA-20) Zone must comply with the lot setback requirements set forth in subsection D of this section with the exception of the side and rear setbacks which shall be a minimum of 5 feet.

F. Height Limitations

1. Building height in the RA-20 zone shall be limited to 35 feet.
2. Features exempt from the height limitations can be found in Section 16.

G. Additional Requirements:

The following uses are allowed as permitted uses in the RA-20 zone. However, the following uses shall additionally meet the requirements listed under each use before they can be permitted in the RA-20 zone.

Section 22. Residential/Agricultural 20 (RA-20) Zone

1. **Accessory workshops** for craftsmen, skilled technicians, or repairmen, upon the following requirements:
 - a. a Type A buffer be installed adjacent to neighboring properties;
 - b. that the front setback for the accessory building be a minimum of 50 feet; and in no case shall be closer to the right-of-way than the primary structure on the lot;
 - c. that the area devoted to the accessory use, including outside storage, not exceed seventy-five (75%) of the square footage of the primary structure or use; and
 - d. that any outside storage be screened from view from any public right-of-way.
2. **Horse Stables, private and public:** shall meet the requirements of Section 90. Provisions for Horse Stables.

H. Permitted Uses:

Accessory workshops
Agricultural and horticultural operations, including the sale of produce at roadside stands
Community Docking Facility (Minor) *(Amended 6/5/07)*
Family Care Homes *(Amended 7/17/07)*
Family Childcare Homes *(Amended 3/16/04)*
Home Occupations
Horse Stables
Mobile Homes, One unit per lot
Recreational facilities such as golf courses, playgrounds, parks, community centers, swimming pools, and similar recreation uses.
Residence, Single-family detached, One dwelling unit per lot
Telecommunications Antenna, Collocation on Existing Tower *(Amended 10/6/09)*
Telecommunications Antenna, Placement on Existing Building *(Amended 10/6/09)*
Telecommunications Tower, Stealth *(Amended 10/6/09)*
Temporary real-estate/construction offices
Temporary refreshment stands
Utility, Minor *(Amended 4/20/10)*

I. Special Uses

Assembly buildings and lodges
Cemeteries, public and private
Churches and other religious uses* *(Amended 1/4/11)*
Community Docking Facility (Major) *(Amended 6/5/07)*
Day care centers, nurseries, and pre-schools* *(Amended 1/4/11)*

Section 22. Residential/Agricultural 20 (RA-20) Zone

Governmental uses such as offices, and emergency facilities

Homes for the elderly, convalescent homes, orphanages, and institutions for the care of the handicapped

Mobile Home Parks

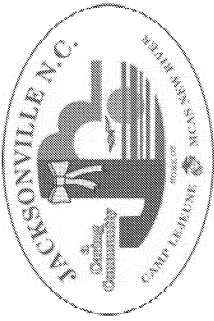
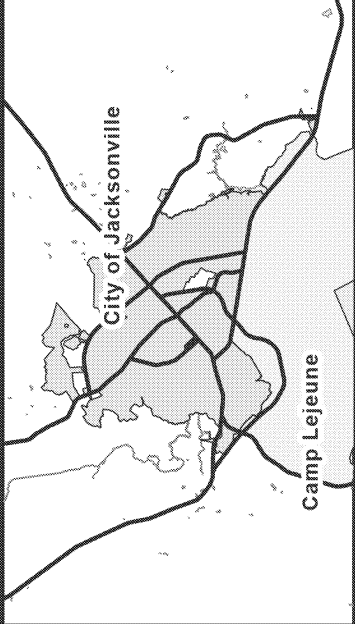
Telecommunications Tower, Freestanding

(Amended 10/6/09)

* Will require special use permit if located in the Flight Path Overlay District. Special use for day care center and nurseries is only required if more than 30 children, assembly halls and coliseums if more than 150 seats, hotels and motels if more than 3 stories, retail establishments or department and variety stores if more than 500,000 square feet.

(Amended 1/4/11)

Jacksonville Existing Zoning

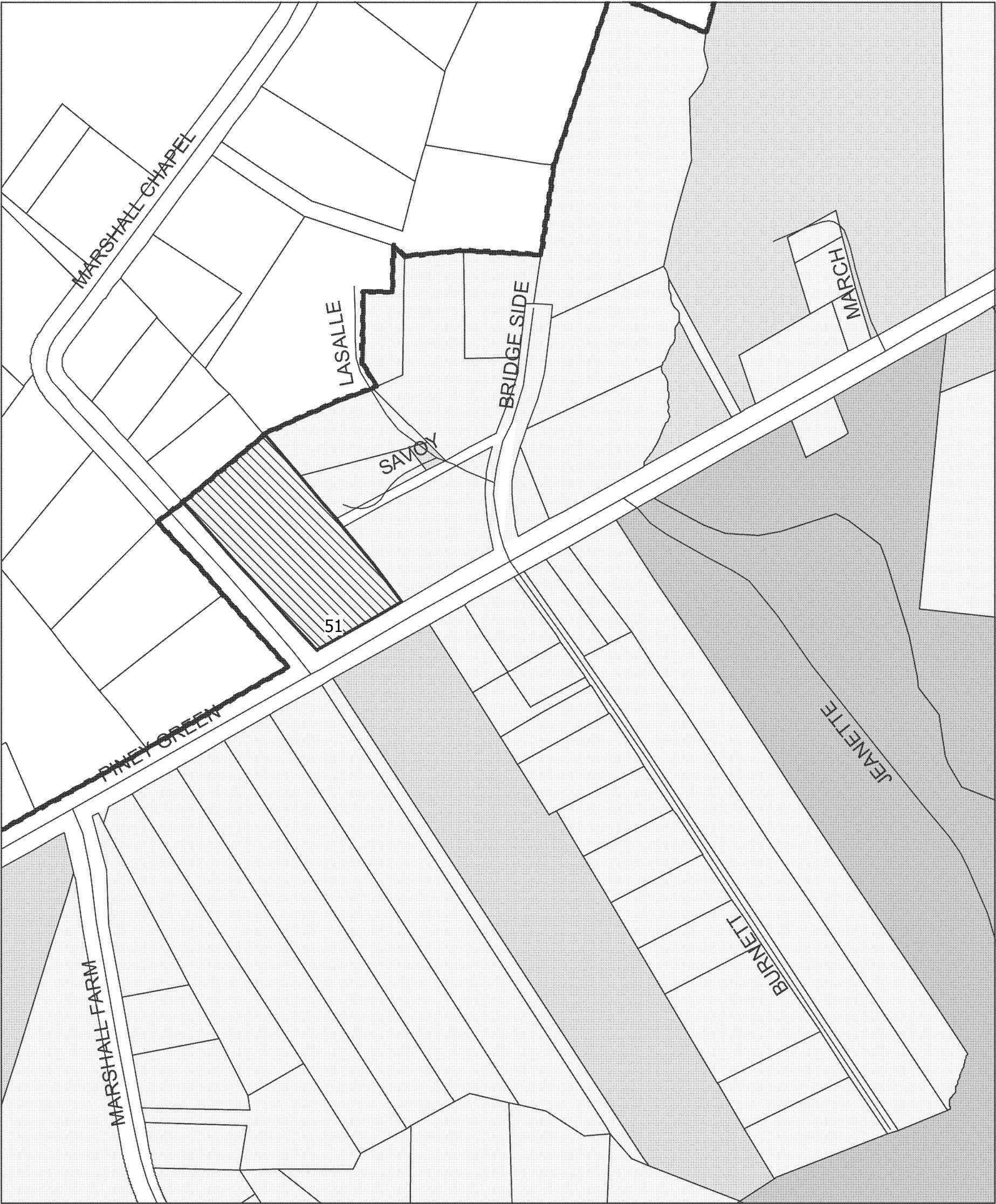
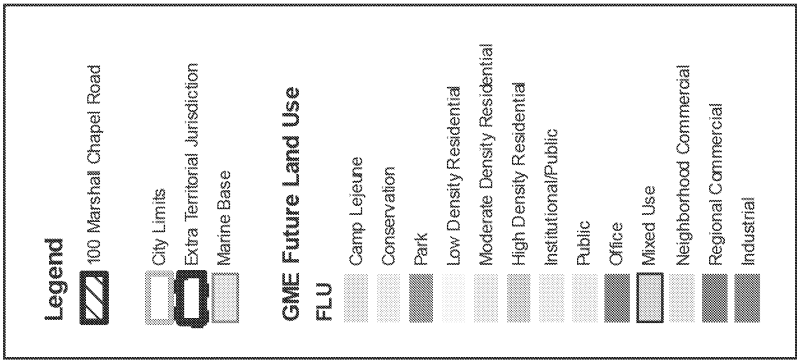
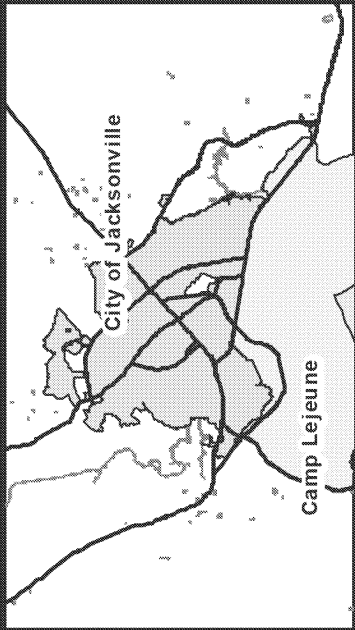
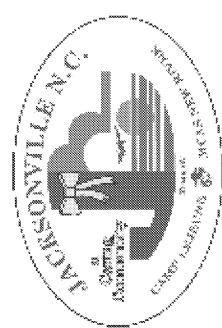


- Legend**
- 100 Marshall Chapel Road
 - City Limits
 - Extra Territorial Jurisdiction
 - Marine Base

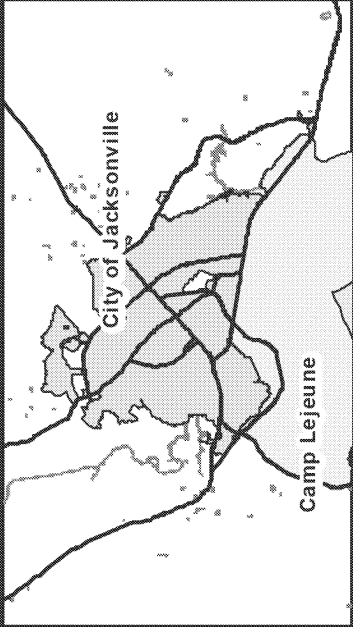
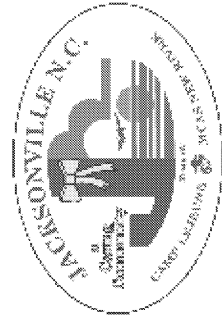
Zoning Districts

- B-1
- B-2
- CBD
- CU-B
- CU-B-1
- CU-B-2
- CU-NB
- CU-O&I
- CU-RA-20
- CU-TCA
- IND
- MR
- NB
- O&I
- OMU
- R-7
- R-O
- RA-20
- RD-3
- RD-5
- RM-5
- RM-6
- RS-10
- RS-12
- RS-5
- RS-6
- RS-7
- TCA
- WATER

Jacksonville GME FLU Map



Jacksonville Proposed Zoning



Legend

100 Marshall Chapel Road

City Limits

Extra Territorial Jurisdiction

Marine Base

Zoning Districts

B-1

B-2

CBD

CU-B

CU-B-1

CU-B-2

CU-NB

CU-O&I

CU-RA-20

CU-TCA

IND

MR

NB

O&I

OMU

R-7

R-O

RA-20

RD-3

RD-5

RM-5

RM-6

RS-10

RS-12

RS-5

RS-6

RS-7

TCA

WATER

Attachment





Request for City Council Action

**Consent
Agenda
Item:**

2

Date: 5/3/2011

Subject: Resolution of Acceptance - Country Club / Sandy Run Neighborhood Plan

Department: Planning & Development Services

Presented by: Mary Sertell, Senior Planner

Presentation: No

Issue Statement

Pursuant to City Council's adoption of a Resolution establishing a Neighborhood Planning Program on May 5, 2009, Staff and the residents and property owners of the Country Club/ Sandy Run Neighborhood have created Jacksonville's first neighborhood plan, the Country Club/ Sandy Run Neighborhood Plan. The Plan identifies neighborhood needs and concerns and recommends strategies for meeting those needs.

City Council voted to accept the Plan at their Workshop session on April 5, 2011. For purposes of seeking future Grants, it would be beneficial to have an official Resolution on file indicating Council's acceptance of the Plan.

Financial Impact

The Resolution to accept the Plan will direct the efforts of existing staff and may impact CIP requests in the future. The Resolution will also be beneficial in terms of future grant submittals.

Action Needed

Consideration of the Resolution to accept the Country Club/ Sandy Run Neighborhood Plan.

Recommendations

The Planning Board and the City staff recommend Council pass the Resolution accepting the Country Club/ Sandy Run Neighborhood Plan.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

- A Proposed Resolution
- B City Council Workshop Minutes- April 5, 2011
- C Draft Planning Board Minutes- April 11, 2011



Staff Report

Country Club/ Sandy Run Neighborhood Plan

Introduction

The Country Club/ Sandy Run Neighborhood Plan represents the City of Jacksonville's positive approach to partnering with neighborhoods to determine ways to build upon the existing character of the City's residential resources. The planning process evaluated the neighborhood's needs and concerns, strengths and weakness, and outlined proactive approaches to meeting identified goals and visions for the neighborhood. The neighborhood planning process specifically aims to:

- Encourage resident involvement to help citizens achieve the goals for their neighborhoods;
- Provide a shared vision for area's residents/owners and local government entities;
- Involve the community in determining the best ways to achieve established citywide goals in accordance with the community's long term vision;
- Provide information regarding the area's needs, priorities, and proposed projects;
- Collect and share a framework to guide development efforts in order to preserve and enhance the quality of life within the City's neighborhoods; and
- Serve as a guide for City policies and initiatives.

The Country Club/ Sandy Run planning process initiated a proactive approach to future development and assisted the residents in defining their vision and goals for the future. Initiated by the Jacksonville City Council and staff, this is Jacksonville's first neighborhood plan. The foundation of the plan derives from neighborhood Open Houses where residents provided input on the future of their neighborhood. Using comments, questions and feedback from those residents, a Vision Statement and Goals were created to guide the plan.

Vision

The Country Club/ Sandy Run neighborhood is a quiet and safe place with long-time residents and new residents who want to build on the successes of the neighborhood. It is home to families, children, renters and property owners who care about the future of the area. The neighborhood has a high quality of life and takes advantage of it's proximity to the area's shopping, restaurants and other nearby amenities.

Goals

- Increase recreation and parks opportunities for children and adults alike
- Improve the perception of public safety and public perception of the area
- Create a plan for undeveloped parcels of land so that they enhance the neighborhood's character and value

- Mitigate environmental issues, concentrating on drainage challenges
- Enhance multi-modal transportation option

Using these as the guiding principles for the plan and planning process, the plan identifies existing conditions and calls for a series of recommendations to implement the neighborhood's Vision Statement. These recommendations are divided into five themes: Recreation & Parks, Environmental Quality, Transit & Transportation, Community Character & Land Use, and Community Safety.

The plan is drafted to provide flexibility in its implementation, however; the policies, goals and recommendations set forth should not be regularly amended. Achievement of goals is expected to occur consistently with leadership being provided by the neighborhood, City staff and City Council. The plan should be reviewed and updated as necessary every five years.

Procedural History

- On May 8, 2007 City Council adopted the Growth Management Element, which called for involving 'residents in the identification and resolution of neighborhood issues'
- On May 5, 2009 City Council adopted a Resolution creating a Neighborhood Planning Program and identified ten priority areas for planning work
- On March 2, 2010 City Council supported staff's commencement of planning work for the Country Club/ Sandy Run area
- On April 19, 2010 City staff hosted the first Country Club/ Sandy Run Neighborhood Planning Open House
- On July 27, 2010 City staff hosted the second Country Club/ Sandy Run Neighborhood Planning Open House
- On January 25, 2011 City staff hosted the third Country Club/ Sandy Run Neighborhood Planning Open House
- On April 5, 2011 City Council received a presentation on the Neighborhood Plan at a Workshop session and moved to accept the Plan
- On April 11, 2011 Planning Board recommended adopting a Resolution accepting the Neighborhood Plan
- On May 3, 2011 City Council will consider a Resolution to accept the Neighborhood Plan

Stakeholders

- Property owners and residents of the Country Club/ Sandy Run Planning Area
- Property owners and residents of areas that surround the Planning Area
- City of Jacksonville
- Design Professionals and Developers

Options

Adopt a Resolution accepting the Country Club/ Sandy Run Neighborhood Plan
(RECOMMENDED).

- Pros: Accepting the Plan would implement goals and policies of the Growth Management Element. Plan acceptance will also provide a framework for neighborhood improvements in the area and begin the first step to implementing the recommendations set forth in the Plan. Adopting the Resolution will assist staff in the documentary and procedural needs associated with future Grant submittals related to projects within the Plan.
- Cons: The existing plan may not capture the desired future improvements for every neighborhood resident and/ or property owner. However, the Plan may be amended in the future to reflect changing goals and priorities.

Do not adopt the Resolution accepting the Country Club/ Sandy Run Neighborhood Plan

- Pros: None
- Cons: An opportunity to implement recommendations for neighborhood improvements would be lost. Also, denial would limit the City's ability to apply for grants in the planning area since a prerequisite for many grants is having a previously adopted policy.

Defer Consideration of adopting a resolution accepting the Neighborhood Plan – (Provide staff with direction on the specific information the Council would like to receive).

- Pros: Would allow Staff sufficient time to address any concerns the Council, property owners, or Jacksonville residents may have.
- Cons: None.

RESOLUTION (2011-)

RESOLUTION ACCEPTING THE COUNTRY CLUB / SANDY RUN NEIGHBORHOOD PLAN

WHEREAS, the Development Services Department and the Country Club / Sandy Run Neighborhood has developed a neighborhood plan to provide a general framework for direct growth and reinvestment;

WHEREAS, this planning effort was developed as a result of a City Council Resolution creating a Neighborhood Planning Program;

WHEREAS, public meetings have been held which have included a broad spectrum of interest from property owners, residents and City departments including Police, Recreation & Parks, Public Services and Community Affairs;

WHEREAS, the Country Club / Sandy Run Neighborhood Plan establishes five broad goals for addressing the issues and concerns which include Increasing Recreation Opportunities, Improving Public Safety, Addressing Land Use and Zoning Inconsistencies, Mitigating Environmental Issues, and Enhancing Multi-modal Transportation Options;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE:

That the proposed Country Club / Sandy Run Neighborhood Plan presented is hereby accepted.

Accepted by the Jacksonville City Council the 3rd day of May, 2011

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk

Attachment

A



City Council Special Workshop – April 5, 2011

Consent
Agenda
Item:

2

SANDY RUN NEIGHBORHOOD PLAN

Using the PowerPoint presentation attached to the official minutes as Exhibit A, Mary Sertell, Senior Planner, reviewed the Country Club/Sandy Run Neighborhood Plan. She stated that Staff and the neighborhood had been working on the plan for about a year. The 2009 City Council instructed staff to implement a neighborhood planning program and identified ten priority areas for the program. The first neighborhood chosen for planning was the Country Club/Sandy Run neighborhood. Staff met with the neighborhood to identify where they were now and where they would like to be. The purpose was to help the neighborhood achieve goals and a vision unique to that neighborhood. Staff worked with the neighborhood to craft recommendations that complemented the City's long term goals and policies, as well as realistic strategies for achieving those goals. Ms. Sertell reviewed the process that was followed prior to the final draft being presented to Council.

After reviewing the neighborhood character and vision, neighborhood goals were presented to Council. They included increased recreation and parks opportunities for children and adults alike; improved public safety and public perception of the area; creation of a plan for undeveloped land; mitigation of environmental issues; and enhancement of multi-modal transportation options. The Plan set forth recommendations to implement those visions and goals. A detailed synopsis of the planning process, and questions and feedback received were also provided.

Mayor Pro-Tem Lazzara felt it was a well put together plan, and asked if any recommendations would be brought forward to consider in the Capital Improvement Plan. Mr. Woodruff said it could be used for future CIP recommendations to Council. He recommended that Council accept the report for Staff to use as a guide. This would not be a commitment, so it did not need to be adopted.

Attachment

B

Mayor Phillips asked if any areas were identified as viable recreational park areas. Mr. Woodruff stated there were two areas that were looked at which Council Member Coleman identified. There also was a good area in Sandy Run that couldn't be used for a playground, but would make a good community garden. Ms. Sertell stated that those locations were identified in the Plan.

Mayor Pro-Tem Lazzara stated that the important part of the Neighborhood Plans was that they were Staff initiated and conducted. The City wasn't spending funds for outside consultants and the information provided was very informative.

A motion was made by Mayor Pro-Tem Lazzara, seconded by Council Member Coleman, and unanimously approved to accept the Country Club/Sandy Run Neighborhood Plan as presented.



Planning Board Minutes – April 11, 2011

Consent
Agenda
Item:

2

SANDY RUN NEIGHBORHOOD PLAN

Pursuant to City Council's adoption of a Resolution establishing a Neighborhood Planning Program on May 5, 2009, Staff and the residents and property owners of the Country Club/Sandy Run Neighborhood have created Jacksonville's first Neighborhood Plan, the Country Club/Sandy Run Neighborhood Plan. The plan identifies neighborhood needs and concerns and recommends strategies for meeting those needs.

Staff recommends that the Planning Board endorse the Resolution accepting the Neighborhood Plan.

Chuck Quinn moved to approve and endorse the Resolution of the Neighborhood Plan. Homer Spring seconded the motion.

The motion to approve and endorse the Resolution of the Neighborhood Plan was unanimously approved by the Board Members present.

Attachment

C



Request for City Council Action

**Consent
Agenda
Item:** **3**
Date: 5/3/2011

Subject: Resolution for Designation of Agent for Applications of Federal/State Assistance

Department: Finance

Presented by: Gayle Maides

Presentation: No

Issue Statement

A Resolution for Designation of Applicant's Agent is required by the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to disaster assistance regarding the April 16, 2011 Tornadoes.

Financial Impact

Allows the designee to approve or correspond with agencies in reference to applications for assistance and the request for reimbursement.

Action Needed

Approval of the Resolution for this designation regarding the April 16, 2011 Tornadoes.

Recommendation

Staff recommends Council approve the Resolution for designation of Applicant's Agent pertaining to disaster assistance for the April 16, 2011 Tornadoes.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

A Resolution of Designation

RESOLUTION (2011-xx)

**DESIGNATION OF PERSONNEL TO REPRESENT CITY OF JACKSONVILLE
FOR ALL MATTERS PERTAINING TO DISASTER ASSISTANCE
APRIL 16, 2011 TORNADOES**

WHEREAS, the City of Jacksonville declared a State of Emergency due to Tornadoes which affected our area on April 16, 2011; and

WHEREAS, Federal and State agencies require, as a condition for reimbursements of City expenses related to property damage and clean up activities, a designated City official to execute all documents and to take all required actions related thereto; and

NOW, THEREFORE, BE IT RESOLVED BY the governing body of City of Jacksonville (a public entity duly organized under the laws of the State of North Carolina) that the City Manager and Assistant City Manager are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available.

BE IT FURTHER RESOLVED that the above-named agents are authorized to represent and act for the City of Jacksonville in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and assurances.

This Resolution shall become effective upon adoption.

Adopted by the Jacksonville City Council in regular session this 3rd day of May 2011.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk

Attachment

A



Request for City Council Action

Agenda Item:	4
Date:	5/3/2011

Subject: Appointments to the Jacksonville-Onslow Sports Commission
Incorporated Board of Directors

Department: City Manager's Office

Presented by: Glenn Hargett

Presentation: No

Issue Statement

The bylaws of the Jacksonville-Onslow Sports Commission Incorporated created by the City of Jacksonville call on the City Council to appoint one-half the membership of the Board of Directors from recommendations made by the Board of Directors.

The Board has adopted bylaws that create staggered three-year terms and a three term limit for membership. The bylaws also codify requirements of federal law for service on a nonprofit board.

Financial Impact

None

Action Needed

Review recommendations of the Jacksonville-Onslow Sports Commission Board of Directors and make appointments.

Recommendation

Appoint persons as recommended by the Jacksonville-Onslow Sports Commission Board of Directors.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

None



Staff Report

Jacksonville-Onslow Sports Commission Board of Directors

The bylaws of the Jacksonville-Onslow Sports Commission Incorporated call on the Board of Directors to make recommendations to the Onslow County Commission and the Jacksonville City Council as to membership for the nonprofit’s Board of Directors. Each government entity appoints one-half the members of the Board of Directors.

Bylaws adopted July 13, 2007 after four months of review and following a strategic planning session, created a **staggered three-year term system with term limits**.

The bylaw change also codified changes required by the Federal Sarbanes-Oxley Act, incorporated best management practices of outstanding nonprofit organizations and reflects the commitment of the Board of Directors for accountability, dedication to the cause and personal commitment required for service on a modern nonprofit board of directors.

Advertisement for Members

The Sports Commission followed a system of advertising for vacancies. Advertisements were run seeking nominees for the Sports Commission’s Advisory Group and the Board of Directors. No nominations for the Board of Directors were received. The advertisement was run again and again, no nominations were received.

Currently Serving Nominated

After reviewing the performance of the persons listed below, the Jacksonville-Onslow Sports Commission unanimously voted to recommend appointment to three year terms for each of the persons named below.

Staggered System

The persons listed below are serving a three-year term, and under the staggered system, and term limits, they would be eligible for two additional three-year terms and then must rotate off the Sports Commission Board of Directors.

Action Requested

Appoint to the Jacksonville-Onslow Sports Commission as the Class of 2014 Mike Carter for Seat “A” and Carol McIntyre for Seat “B.”

**Proposed for Membership to the Class of 2014
Appointment of the following to three year terms
beginning July 1, 2011 and ending June 30, 2014
For Consideration by the JCC**

Incumbents	Recommended	Seat
Mike Carter	Yes	A
Carol McIntyre	Yes	B